

AMENDED IN ASSEMBLY MAY 6, 2013
AMENDED IN ASSEMBLY APRIL 23, 2013
AMENDED IN ASSEMBLY APRIL 1, 2013
AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 549

Introduced by Assembly Member Jones-Sawyer

February 20, 2013

An act to amend Section 32282 of, *and to add Section 38000.5 to*, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 549, as amended, Jones-Sawyer. Comprehensive school safety plans: ~~adult~~ *mental health professionals and police* role on campus guidelines.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires the schoolsite council of a school to write and develop the comprehensive school safety plan relevant to the needs and resources of the particular school, except as specified with regard to a small school district. Existing law requires the comprehensive school safety plan to include specified strategies and programs that will provide or maintain a high level of school safety.

This bill would require those strategies and programs to include the development of clear guidelines for the roles and responsibilities of

mental health and intervention professionals, *if intervention professionals are used*, school resource officers, and police officers on the school campus, thereby imposing a state-mandated local program. The bill would require these guidelines to conform to specific requirements, including the requirement that the primary function of police and school resource officers on campus is to focus on addressing those situations that require protecting the physical safety of pupils and school staff. The bill would require a school and school district that elects to apply for and receive state or federal funding for purposes of increasing campus safety to ~~comply with certain requirements, including submitting a plan to the State Department of Education on the proposed use of the funds.~~ *develop, if using funds for additional law enforcement personnel, clear memoranda of understanding with law enforcement on the roles and responsibilities of law enforcement, as provided. The bill would, if a school district has police officers on campus, encourage a school of that district to create a memorandum of understanding that clearly delineates the respective roles and responsibilities of the school and the police officers, as provided.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) It is imperative that California maximizes the health, welfare,
- 4 and safety of children in and out of schools.
- 5 (2) Schools remain one of the safest places for pupils.
- 6 (3) Recent California voter surveys indicate that Californians
- 7 strongly support planning, training, mental health services, and
- 8 teaching conflict resolution as ways to improve safety and prevent
- 9 violence in schools.

1 (4) More than a ratio of 2-to-1 eligible California voters believe
2 having trained guidance counselors in every school would be more
3 effective than having armed police officers in the schools.

4 (b) It is therefore the intent of the Legislature to foster a positive
5 learning environment for pupils in schools with role-appropriate
6 adults who are focused on academic excellence, health, wellness,
7 and safety.

8 (c) Further, it is the intent of the Legislature to improve school
9 campus safety and academic success by better defining the roles
10 and responsibilities of adults on campus as they pertain to safety
11 and school discipline.

12 SEC. 2. Section 32282 of the Education Code is amended to
13 read:

14 32282. (a) The comprehensive school safety plan shall include,
15 but not be limited to, both of the following:

16 (1) Assessing the current status of school crime committed on
17 school campuses and at school-related functions.

18 (2) Identifying appropriate strategies and programs that will
19 provide or maintain a high level of school safety and address the
20 school's procedures for complying with existing laws related to
21 school safety, which shall include the development of all of the
22 following:

23 (A) Child abuse reporting procedures consistent with Article
24 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
25 Part 4 of the Penal Code.

26 (B) Disaster procedures, routine and emergency, including
27 adaptations for pupils with disabilities in accordance with the
28 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
29 12101 et seq.). The disaster procedures shall also include, but not
30 be limited to, both of the following:

31 (i) Establishing an earthquake emergency procedure system in
32 every public school building having an occupant capacity of 50
33 or more pupils or more than one classroom. A school district or
34 county office of education may work with the California
35 Emergency Management Agency and the Seismic Safety
36 Commission to develop and establish the earthquake emergency
37 procedure system. The system shall include, but not be limited to,
38 all of the following:

39 (I) A school building disaster plan, ready for implementation
40 at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.

(III) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of a schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing “gang-related apparel,” if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school

1 or the person designated by the principal. For purposes of this
2 paragraph, “gang-related apparel” shall not be considered a
3 protected form of speech pursuant to Section 48950.

4 (G) Procedures for safe ingress and egress of pupils, parents,
5 and school employees to and from school.

6 (H) A safe and orderly environment conducive to learning at
7 the school.

8 (I) The rules and procedures on school discipline adopted
9 pursuant to Sections 35291 and 35291.5.

10 (J) Clear guidelines for the roles and responsibilities of mental
11 health and intervention professionals, *if the school district uses*
12 *intervention professionals*, school resource officers, and police
13 officers on the school campus. The guidelines shall conform to
14 the following requirements:

15 (i) The primary strategies to create and maintain positive school
16 climate, promote school safety, and increase pupil achievement
17 shall emphasize and prioritize mental health and intervention
18 services, restorative and transformative justice programs, and
19 positive behavior interventions and support.

20 (ii) The primary function of police and school resource officers
21 on a school campus shall be to focus on addressing those situations
22 that require protecting the physical safety of pupils and staff.

23 (iii) The school shall consider existing strategies and model
24 approaches to minimize the involvement of law enforcement in
25 pupil conduct and minor offenses that do not rise to the level of a
26 serious and immediate threat to physical safety.

27 ~~(iv) If a school district has police officers on campus, schools~~
28 ~~are encouraged to create memorandums of understanding that~~
29 ~~clearly delineate the respective roles and responsibilities of the~~
30 ~~school and the police officers in order to maximize resources and~~
31 ~~to ensure that the administrative response to pupil conduct and~~
32 ~~minor offenses are handled pursuant to school district policies and~~
33 ~~state law before involving law enforcement. Memorandums of~~
34 ~~understanding shall be public and shall include participation and~~
35 ~~input from pupils, parents, and the full school community.~~

36 (b) It is the intent of the Legislature that schools develop
37 comprehensive school safety plans using existing resources,
38 including the materials and services of the partnership, pursuant
39 to this chapter. It is also the intent of the Legislature that schools
40 use the handbook developed and distributed by the School/Law

1 Enforcement Partnership Program entitled “Safe Schools: A
2 Planning Guide for Action” in conjunction with developing their
3 plan for school safety.

4 (c) Grants to assist schools in implementing their comprehensive
5 school safety plan shall be made available through the partnership
6 as authorized by Section 32285.

7 (d) Each schoolsite council or school safety planning committee
8 in developing and updating a comprehensive school safety plan
9 shall, where practical, consult, cooperate, and coordinate with
10 other schoolsite councils or school safety planning committees.

11 (e) The comprehensive school safety plan may be evaluated and
12 amended, as needed, by the school safety planning committee, but
13 shall be evaluated at least once a year, to ensure that the
14 comprehensive school safety plan is properly implemented. An
15 updated file of all safety-related plans and materials shall be readily
16 available for inspection by the public.

17 (f) As comprehensive school safety plans are reviewed and
18 updated, the Legislature encourages all plans, to the extent that
19 resources are available, to include policies and procedures aimed
20 at the prevention of bullying.

21 (g) The comprehensive school safety plan, as written and
22 updated by the schoolsite council or school safety planning
23 committee, shall be submitted for approval under subdivision (a)
24 of Section 32288.

25 (h) (1) A school or school district that elects to apply for and
26 receive state or federal funding for purposes of increasing campus
27 safety shall ~~comply with the following~~:

28 ~~(1) Submit a plan to the department on the proposed use of the~~
29 ~~funds.~~

30 ~~(2) Develop,~~ *develop*, if using funds for additional law
31 enforcement personnel, clear memoranda of understanding with
32 law enforcement on the roles and responsibilities of law
33 enforcement on and off school campus. The memoranda of
34 understanding shall be available to the public.

35 ~~(3) Prioritize,~~

36 (2) *A school or school district*, if electing to receive additional
37 funding for campus safety from a state or federal source, ~~using is~~
38 *encouraged to use the funding to improve school climate, including*
39 *increasing school personnel, intervention workers, counselors, and*
40 *other supportive mental health service providers, and to improve*

1 school-based programs, restorative and transformative justice, and
2 schoolwide positive behavior intervention and support, to the extent
3 this prioritization use is permitted by state and federal law.

4 *SEC. 3. Section 38000.5 is added to the Education Code, to*
5 *read:*

6 *38000.5. If a school district has police officers on campus, a*
7 *school of that district is encouraged to create a memorandum of*
8 *understanding that clearly delineates the respective roles and*
9 *responsibilities of the school and the police officers in order to*
10 *maximize resources and to ensure that the administrative response*
11 *to pupil conduct and minor offenses are handled pursuant to school*
12 *district policies and state law before involving law enforcement.*
13 *A memorandum of understanding shall be public and shall include*
14 *participation and input from pupils, parents, and the full school*
15 *community.*

16 ~~SEC. 3.~~

17 *SEC. 4. If the Commission on State Mandates determines that*
18 *this act contains costs mandated by the state, reimbursement to*
19 *local agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code.*